IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 123 OF 2006

MR.ANTHONY PEREIRA,CALANGUTE GOA ... Appellant
Versus
FILOMENA REBELO,NANI,DAMAN. ... Respondent

Mr. J. Godinho, Advocate for the appellant.
Mr. V.P.Thali, Advocate for the respondent.

Coram:- R. S. MOHITE, J.

Date:- 13th July, 2007

P.C.

This is second appeal arises out of a matrimonial dispute. The husband has filed petition for divorce on the ground of cruelty and desertion. Both the lower Courts have concurrently held against him and come to the conclusion that there was no cruelty and desertion on the part of wife. The question raised is as to whether the marriage between the parties irreparably broken and there was no possibility of living together of husband and wife. This is not a ground available for the grant of divorce in law. It is only a question of fact and not a substantial question of law. In the circumstances, second appeal is dismissed.

R. S. MOHITE, J.

sma